THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

W.P.No.11422 of 2007

Dated 05-06-2007

Between:

Krishna District Lorry Owners Association Driving School and Training Center.

…Petitioner

And

The Deputy Transport Commissioner and Secretary.

…Respondent

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

W.P.No.11422 of 2007

ORDER:

The petitioner is a motor driving school. It owns different categories of vehicles, which are exclusively used for the purpose of

imparting training to the candidates. Two such vehicles are the Buses, bearing Nos.AIK-820 and AIK-0821, which fall into the category of Educational Institution Bus -MHV.

The respondent herein issued notice dated 04-04-2007, requiring the petitioner not to utilize the vehicles, on the ground that they are more than 15 years old. Reference is made to an order of this Court in W.P.No.15591 of 2006, dated 29-11-2006. Petitioner challenges the impugned notice.

Learned counsel for the petitioner submits that there is no prohibition under the Motor Vehicles Act and the Rules made thereunder for using the vehicles in question, exclusively for the purpose of imparting training. He contends that the directions issued by this Court were only as regards the use of vehicles in transporting school children, and not for other uses.

Learned Government Pleader for Transport, on the other hand, submits that the order of this Court in W.P.No.15591 of 2006 was passed in the larger interest of safety to the inmates of the vehicle, and the road users, and the impugned notice does not suffer from any illegality and infirmity.

The Hon'ble Supreme Court took note of the accidents to school buses, and passed elaborate orders, laying down the guidelines to be followed, in relation to such vehicles. One of the directions was, that the vehicles, which are altered after 15 years, must not be used as school buses. A Division bench of this Court passed orders in W.P.No.15591 of 2006, on the same lines. The result is that, there is a prohibition against using vehicles of 15 years old, being used as Educational Institution Buses.

It is not in dispute that the vehicles bearing Nos. AIK-820 and AIK-0821 are more than 15 years old. If they are being utilized as

school buses, for transporting school or college children, the prohibition contained in the order in W.P.No.15591 of 2006, squarely applies to them, and no exception can be taken to the impugned notice. However, it is evident that the petitioner was granted a licence in From No.11, under Rules 24 and 25 of the Motor Vehicles Rules, to run a Motor Driving School, and the two vehicles mentioned above, are entered in the licence, in addition to another vehicle. The parameters for using a vehicle, for transporting students, on the one hand, and imparting training to drivers, on the other hand, stand on a totally different footing. The vehicles used for training are included in the licence, only on being satisfied about the fitness, safety of children; is not at all involved in such cases. Neither the Act and Rules made thereunder there is any prohibition, nor does the order passed by this Court in W.P.No.15591 of 2006 apply to the vehicles, used exclusively for the purpose of training. Therefore, the notice issued by the respondent cannot be sustained.

Accordingly the writ petition is disposed of, and the impugned order is set aside; by making it clear that the vehicles shall not be used for transporting school children, under any circumstances.

There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.05-06-2007.

GJ